

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20625

Application 29158 of Trinity County Waterworks District No. 1

P.O. Box 217, Hayfork, CA 96041

filed on December 17, 1987, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

(a) Ewing Gulch

Hayfork Creek

(b) Big Creek

Hayfork Creek thence

South Fork Trinity River thence

Trinity River thence

Klamath River

2. Location of point of diversion:

40-acre subdivision
of public land survey
or projection thereof

Section

Town-
ship

Range

Base
and
Meridian

(a) EWING DAM
NORTH 670 FEET AND WEST 1,160 FEET FROM
SE CORNER OF SECTION 1

SE $\frac{1}{4}$ OF SE $\frac{1}{4}$

1

31N

12W

MD

(b) DIVERSION TO OFFSTREAM STORAGE
NORTH 1,250 FEET AND EAST 625 FEET FROM
S $\frac{1}{4}$ CORNER OF SECTION 30

SW $\frac{1}{4}$ OF SE $\frac{1}{4}$

30

32N

11W

MD

County of Trinity

3. Purpose of use:

4. Place of use:

Section

Town-
ship

Range

Base
and
Meridian

Acres

RECREATIONAL

AT EWING RESERVOIR WITHIN E $\frac{1}{2}$

1

31N

12W

MD

W $\frac{1}{2}$ OF W $\frac{1}{2}$

6

31N

11W

MD

MUNICIPAL

TRINITY COUNTY WATERWORKS
DISTRICT NO. 1 SERVICE
AREA WITHIN

SECTIONS 5, 7, 8, AND 18

31N

11W

MD

SECTIONS 11, 12, 13, AND 14

31N

12W

MD

The place of use is shown on map on file with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 3 cubic feet per second by direct diversion and 1,420 acre-feet per annum by storage from November 1 of each year to June 30 of the succeeding year. The total amount of water to be taken from the source shall not exceed 1,420 acre-feet per water year of October 1 to September 30. (0000005)

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (000005I)

The maximum rate of diversion to offstream storage under this permit, together with that diverted under the permits issued pursuant to Applications 22331 and 28803 shall not exceed 12 cubic feet per second. (000005J)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Enlargement work shall begin within two years of the date of this permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked. (0000007)

8. Enlargement work shall be completed by December 31, 1995. (0000008)

9. Complete application of the water to the authorized use shall be made by December 31, 1996. (0000009)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a license is issued. (0000010)

11. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

12. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

14. The equivalent of the authorized continuous flow allowance by direct diversion from Ewing Gulch for any 30-day period may be diverted in a shorter time, provided there is no interference with other rights and instream beneficial uses, and provided further that all terms and conditions protecting instream beneficial uses are observed. (0000027)

15. Permittee shall consult with the Division of Water Rights and, within one year from the date of this permit, shall submit to the State Water Resources Control Board its Urban Water Management Plan as prepared and adopted in conformance with Section 10610, et seq. of the California Water Code, supplemented by any additional information that may be required by the Board.

All cost-effective measures identified in the Urban Water Management Plan and any supplements thereto shall be implemented in accordance with the schedule for implementation found therein. (000029A)

16. Permittee shall maintain an outlet pipe of adequate capacity in the dam as near as practicable to the bottom of the natural stream channel in order that water entering the reservoir which is not authorized for appropriation under this permit can be released. (0050043)

17. Permittee shall install and properly maintain in the reservoir a staff gage and continuous stage recorder, satisfactory to the State Water Resources Control Board, for the purpose of determining water levels in the reservoir. (0000047)

18. If the storage dam will be of such size as to be within the jurisdiction of the Department of Water Resource as to safety, construction for the enlarged dam under this permit shall not be commenced until the Department has approved the plans and specifications for the dam. (0360048)

19. In accordance with the requirements of Water Code Section 1393, permittee shall clear the area covered by the proposed reservoir enlargement of all structures, trees, and other vegetation which would interfere with the use of the reservoir for water storage and recreational purposes. (0120050)

20. For the protection of fish and wildlife, permittee shall during the period from November 1 to June 30 bypass at his point of diversion on Big Creek a minimum of 15 cubic feet per second. The total streamflow shall be bypassed whenever it is less than the designated amount. (0000060)

21. No water shall be diverted under this permit until permittee has installed devices, satisfactory to the State Water Resources Control Board, which are capable of measuring the bypass flows required by the conditions of this permit as well as to quantify the amount of water diverted and used under this permit.

In order to accomplish this, permittee shall install measuring devices and continuous flow recorders at the following locations:

1. Above the point of diversion on Big Creek to measure total stream flow.
2. Below the point of diversion on Big Creek to measure the flow past the point of diversion.
3. In permittees's diversion structure to measure the total flow diverted.
4. At the end of the diversion conduit from Big Creek to Ewing Gulch Reservoir to measure the flow entering the reservoir from Big Creek.

Said measuring devices shall be properly maintained. (0060062)

22. Permittee shall keep records of all measurements required in this permit to document his diversion and use of water. The storage right is based on the maximum amount of water collected to onstream and offstream storage (including refills) and withdrawn from such storage in any one year and shall be computed from measurements such as:

- a. Record date and low water level prior to filling the reservoir.
- b. Record date and high water level after filling the reservoir. If at spillway level, so indicate.
- c. Record date and low water level upon completion of withdrawal.
- d. Repeat steps b. and c. for each filling and withdrawal cycle throughout the season of use.
- e. Record daily the amounts withdrawn from the reservoir.

A summary of these measurements shall be submitted to the State Board each year with the annual progress report. The measurements kept by the permittee shall be furnished to Board staff at the time of the inspection for license to provide information necessary to issue a license. (0090900)

23. Permittee shall allow Hollenbeak Logging Company and all successors in interest, or a designated representative, reasonable access to records required as a condition of this permit. (0480800)

24. Permittee shall maintain a minimum pool of 400 acre-feet of water in Ewing Reservoir, except as required for emergency purposes or for necessary maintenance or repair, with prior notification of a minimum of seven calendar days to the California Department of Fish and Game. (0350500)

25. In compliance with Fish and Game Code Section 5943, if storage of water authorized by this permit is on a stream naturally frequented by fish, permittee shall accord to the public, for the purpose of fishing, reasonable right of access to the waters impounded by Ewing Reservoir during the open season for the taking of fish, subject to the regulations of the California Fish and Game Commission; and for domestic water supply reservoirs, subject to Public Health requirements of Sections 7625 through 7629, Title 17, California Code of Regulations. (0030064)

26. This permit is specifically subject to the prior rights of Glenn Jackson, Samuel Jackson, Hollenbeak Logging Company, Bertha and Gordon Carlson, and all successors, in interest of the said rights. (000T001)

27. The total quantity of water diverted under this permit, together with that diverted under the permit issued pursuant to Application 22331, shall not exceed 1,420 acre feet per annum. (0000114)

28. The total quantity of water diverted under this permit, together with that diverted under the permit issued pursuant to Applications 22331 and 28803, shall not exceed 4,420 acre-feet per annum. (0000114)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

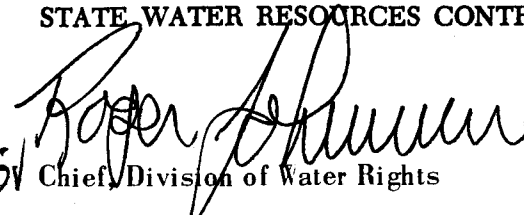
Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated:  JUNE 04 1992

STATE WATER RESOURCES CONTROL BOARD


Chief, Division of Water Rights